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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,594	02/27/2004	Norihiko Shinomiya	FUSKA 20.991	9065
26304 7590 10/17/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER DUDA, ADAM K	
			ART UNIT 4181	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,594

Applicant(s)

SHINOMIYA, NORIHIKO

Examiner

Adam K. Duda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/27/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/27/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Detailed Action

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Communication Path Restoration Method Based on Pre-Planned Network Node Configuration".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 rejected under 35 U.S.C. 102(b) as being anticipated by Fujii et al. in the paper titled "A Study on path Restoration Method Based on Pre-Planned Configuration".

Consider claims 1 and 13, Fujii et al. teach determining an alternative communication path (**page 4, Abstract; teaches of determining and alternate communication path**) in a communication network built with a plurality of network nodes (**Figure 1; teaches of a plurality of network nodes**), comprising: assuming

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that a network failure occurs at a location in a current communication path through the network nodes (**The paper, titled “A Study on path Restoration Method based on Pre-Planned Configuration” teaches of alternate communication path establishment after a network failure**); determining a failure detected network node that detects the network failure, out of the network nodes (**page 4, Detection of Failure; teaches that the failure is detected by the adjacent node**); calculating a failure notification time (**i.e. reception and transmission time**) for each network node, the failure notification time indicating a time from when a failure notification message is transmitted by the failure detected network node until the each network node receives the failure notification message; (**pages 10-12, Results of Simulation; teaches of the reception and transmission treatment times which dictate the modification**) selecting a first network node out of the network nodes based on the failure notification time, the first network node being positioned in the current communication path on upper stream (**i.e. single direction**) from the location of the network failure (**page 9 teaches how the notification is done in a single direction each time corresponding to the failure detected point**); and determining an alternative communication path that includes the first network node and a second network node out of the network nodes, the second network node being positioned in the current communication path on down stream from the location of the network failure (**page 9; teaches how an alternative communication path is determined in a single direction (i.e. upstream and downstream) corresponding to the failure detection point. Figure 3 illustrates the idea**).

Consider claims 2, 8 and 14, Fujii et al. teach wherein the failure notification time of the first network node (**i.e. first node after the failure**) is the shortest of the network nodes that are positioned on upper stream (**i.e. flow direction**) from the location of the network failure (**pg 4, Abstract; teaches how the failure is detected the fastest on an adjacent upstream node due to the interruption of the signal**).

Consider claims 3, 9, and 15, Fujii et al. teach wherein the failure notification time (**i.e. time due to failure**) of the first network node is smaller than a predetermined time (**page 4, Abstract; teaches of the notification time due to interruption of a signal resulting in high speed treatment**).

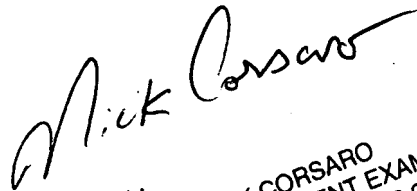
Consider claims 4, 10, and 16, Fujii et al. teach wherein the alternative communication path allows to share an auxiliary (**i.e. additional**) communication capacity for other network failure (**Figure 1; teaches how current use 1 and current use 2 paths share an auxiliary communication line which can become Alternate 1 / Alternate 2**).

Consider claims 5, 11, and 17, Fujii et al. teach wherein the failure notification time is calculated as a sum of a propagation delay time of a communication link between the network nodes and a processing time for inputting/outputting the failure notification message (**i.e. reception and transmission times**) in the each network

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node (page 10-12, Results of Simulation; teaches of how performance of the restoration system was checked by simulation).

Consider claims 6, 12, and 18, Fujii et al teach further comprising calculating a recovery time (i.e. time to realize restoration) of the communication path as a sum of the failure notification time (i.e. reception and transmission times) of the first network node, a switching time (i.e. cross connect time) of each network node on the alternative communication path, and a propagation delay of a signal to be transferred (pages 10-12, Results of Simulation; Figure 5; teach of the time to realize restoration of communication).



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